

AMENDED IN ASSEMBLY MAY 24, 2013

AMENDED IN ASSEMBLY MAY 2, 2013

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1127

Introduced by Assembly Member Chau

February 22, 2013

An act to add Section 68567 to the Government Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1127, as amended, Chau. Courts: California Language Access Task Force.

Existing law requires, when a witness is incapable of understanding the English language or expressing himself or herself in the English language so as to be understood directly by counsel, court, and jury, an interpreter to be sworn to interpret for him or her. Existing law requires the Judicial Council to conduct a study of language and interpreter use and need in court proceedings, with commentary, and to report its findings and recommendations to the Governor and to the Legislature every 5 years. Existing law requires that this study serve as the basis for determining the need to establish interpreter programs and certification and for establishing these programs and examinations through the normal budgetary process.

This bill would, ~~on or before March 1, 2014~~, *upon the appropriation of funding for these purposes*, require the Judicial Council, *on or before March 1, 2014*, to establish the California Language Access Task Force, as specified, which would be responsible for developing a

comprehensive statewide Language Access Plan (LAP) for use by courts to address the needs of all limited-English-proficient individuals in conformance with state and federal law. The bill would require the task force to, among other things, establish standards for meaningful and timely provision of language services in all court proceedings and at all public points of contact within the courts, and to establish a statewide plan to provide for the translation of court documents using competent and qualified interpreters. The bill would require ~~the Judicial Council to adopt a statewide LAP on or before December 31, 2014.~~ *the task force to provide the LAP to the Judicial Council by September 1, 2014, and would require the Judicial Council to adopt a statewide LAP based on the LAP provided by the task force by December 31, 2014.* The bill would also make related legislative findings and declarations.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature hereby finds and declares the
- 2 following:
- 3 (a) California is one of the most linguistically diverse states in
- 4 the nation. As language diversity continues to increase, there is a
- 5 greater need to ensure that all Californians have meaningful access
- 6 to the court system.
- 7 (b) There continues to be a need to expand and improve
- 8 California’s ability to provide language assistance within the
- 9 judicial system.
- 10 (c) Currently, California has not developed a statewide plan to
- 11 address the needs of limited-English-proficient individuals in all
- 12 court proceedings and at all public points of contact within our
- 13 courts.
- 14 SEC. 2. Section 68567 is added to the Government Code, to
- 15 read:
- 16 68567. (a) On or before March 1, 2014, the Judicial Council
- 17 shall establish the California Language Access Task Force, which
- 18 shall be responsible for developing a comprehensive statewide
- 19 Language Access Plan (LAP) for use by courts to address the needs
- 20 of all limited-English-proficient individuals in conformance with
- 21 state and federal law.

1 (b) The task force shall include court executive officers,
2 presiding judges, interpreter coordinators, interpreters, at least two
3 of whom shall be nominated by an exclusive representative of
4 interpreter employees, representatives of legal services
5 organizations and organizations representing individuals with
6 limited English proficiency, and others the Judicial Council
7 determines necessary. The task force shall also include a
8 representative from a rural community in order to highlight the
9 particular challenges of providing court interpreter services in rural
10 communities.

11 (c) In developing the LAP, the task force shall do all of the
12 following:

13 (1) Establish standards for meaningful and timely provision of
14 language services in all court proceedings and at all public points
15 of contact within the courts.

16 (2) Establish procedures for gathering comprehensive data on
17 the language access needs of court users, including, but not limited
18 to, providing a means of registering an individual's language needs
19 in court documents. These procedures should provide metrics on
20 the need for interpreter services in court proceedings and ancillary
21 programs and services.

22 (3) Review current court interpreter procedures and recommend
23 improvements or additional procedures to provide the most
24 competent interpreter services to limited-English-proficient court
25 users and to ensure compliance with Rule 2.890 of the California
26 Rules of Court.

27 (4) Review current court procedures and recommend
28 improvements or additional procedures to maximize existing
29 language resources, including bilingual staff, court interpreters,
30 translators, and other resources shared among courts to expand
31 access to language services at all public points of contact within
32 the courts.

33 (5) Review current practices and develop strategies to provide
34 interpreter services that comply with the Trial Court Interpreter
35 Employment and Labor Relations Act (Chapter 7.5 (commencing
36 with Section 71800) of Title 8) in all court proceedings. The review
37 may include the evaluation of any programs providing interpreters
38 in domestic violence cases or other civil cases, including any pilot
39 projects.

- 1 (6) Establish a statewide plan to provide for the translation of
2 court documents using competent and qualified interpreters.
- 3 (7) Establish a plan to provide education and training to judicial
4 officers, court personnel, and court-appointed professionals on the
5 legal requirements for language access, court policies and rules
6 pertaining to language access, language service provider
7 qualifications, ethics pertaining to interpreter services, the effective
8 use of translated court documents, and effective techniques for
9 working with language service providers.
- 10 (8) Review and consider the American Bar Association's
11 Standards for Language Access in Courts, as adopted February
12 2012.
- 13 ~~(9) The Judicial Council shall adopt a statewide LAP on or~~
14 ~~before December 31, 2014.~~
- 15 *(d) On or before September 1, 2014, the task force shall provide*
16 *the LAP to the Judicial Council.*
- 17 *(e) On or before December 31, 2014, the Judicial Council shall*
18 *adopt a statewide LAP based on the LAP provided by the task*
19 *force.*
- 20 *(f) The requirements of this section shall be implemented upon*
21 *the appropriation of funding for these purposes in the annual*
22 *Budget Act or another statute.*